



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

HLA

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,020	01/03/2005	Walter Wrobel	GK-ZEI-3234/500343.20251	3587

7590 11/15/2007
Gerald H Kiel
Reed Smith
599 Lexington Avenue
New York, NY 10022-7650

EXAMINER

BEN, LOHA

ART UNIT	PAPER NUMBER
----------	--------------

2873

MAIL DATE	DELIVERY MODE
-----------	---------------

11/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/501,020

Applicant(s)

WROBEL ET AL.

Examiner

Loha Ben

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-50 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This application is in condition for allowance except for the following formal matters:

Minor informalities are noted in dependent claims 28, 29, 31, 45 and 48-50. However, independent claims 26 and 37 appear to have some outstanding issues which can be categorized as 112/2nd paragraph due mainly to lack of connections between preamble and body of the claims, and between data and measured values; but these issues can nevertheless be suggested in the following.

In claim 26: on line 1, "the" should be replaced with -- an --; on line 3, after "unit", -- for illuminating the active plastics -- should be inserted; on lines 4 and 5, after "imaging"(second occurrence, on line 4), the phrase "the illumination . . . values" should be replaced with -- data on measured values of the active plastics --; on lines 6 and 7, "from the optical imaging system" should be deleted; on line 8, the phrase "further . . . data" should be replaced with -- acquiring and entering said data -- (to avoid redundancy with claim 29; and for full picture of amendment, see suggestion in claim 29); and on line 9, before "data", -- said -- should be inserted.

In claim 28: on line 3, after "as", -- said -- should be inserted.

In claim 29: on line 2, after "for", "entering, acquiring," should be replaced with -- further --; and on line 3, before "data", -- said -- should be inserted.

In claim 31: on line 3, after "as", -- said -- should be inserted and after "and", "output of data" should be replaced with -- readout of said data -- to be consistent with claim 26.

In claim 37: on line 1, "the" should be replaced with -- an --; on line 2, after "unit", -- for illuminating the eye -- should be inserted; on line 3, the phrase "measured values . . . system" should be replaced with -- illumination unit for imaging data on measured values of the eye --, otherwise lines 2 and 3 are not understood; on line 4, "from the optical imaging system" should be deleted; on line 5, "further" should be deleted, and before "data"(both occurrences), -- said -- should be inserted; and on line 6, after "illumination", -- by the illumination unit -- should be inserted.

In claim 45: on line 2, "the" should be deleted, otherwise "the generated illumination patterns" has no antecedent basis.

In claim 48: on line 3, after "of", -- said -- should be inserted.

In claim 49: on line 2, "an irradiation" should be replaced with -- the illumination -- to be consistent with claim 26, and since this was clearly intended; and on line 4, "such as" should be replaced with -- comprising --, otherwise the claim is indefinite (see previous Office action).

In claim 50: on line 2, "an irradiation" should be replaced with -- the illumination -- (for similar reasons as in claim 49).

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The present invention as recited in independent apparatus claim 26 distinguishes over the art of record by the characteristics of its device in which an illumination from an illumination unit to illuminate photosensitive, optically active plastics already implanted in a human eye, is variable with respect to time and/or space; the unit being utilized with an optical imaging system, an evaluating unit, a central control unit, and an output unit arranged and function as claimed in the claim. With respect to independent method claim 37, the content of which, it is noted, is seen inherently derived from claim 26.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Loha Ben whose telephone number is (571) 272-2323. The examiner can normally be reached on M-SAT, generally between 12:00 p.m. to 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack, can be reached on M-F, at (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/501,020
Art Unit: 2873

Page 5

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 12, 2007



Lohar Ben
Primary Examiner